Form Revised 7/5/06

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)
v.) CASE NO. 1:09-cr-00009
Christopher A Smith)

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT AND ENTRY OF PLEA OF NOT GUILTY

I am Christopher A Smith, the defendant in this case, and along with my undersigned attorney, I hereby acknowledge the following, and petition the Court to enter a Plea of Not Guilty:

1) I have received a copy of the Indictment or Information in this case. I understand the nature and substance of the charge or charges, the maximum penalties applicable in the event I am convicted, and my constitutional rights. My attorney has advised me of these rights and the penalties provided if I am convicted.

2) I understand I have the right to appear personally with my attorney before a judicial officer for arraignment in open court on the charge, or charges. I understand an arraignment will be scheduled following: (a) the filing of the Indictment or Information and making public thereof; (b) the date I first appeared before a judicial officer; or (c) the date I was ordered held to answer and appeared before a judicial officer of the Court in which this charge, or charges, are pending, whichever date last occurs. I further understand that without this waiver, I will be arraigned in open Court and must appear as directed.

I have conferred with my attorney and fully understand all of the above. I hereby waive personal appearance at arraignment and the reading of the Indictment or Information; by this petition, I tender a Plea of Not Guilty. I understand that entry by the Court of this plea will conclude the arraignment in this case for all purposes, including the Speedy Trial Act, 18 U.S.C. § 3161, and § 12(d) of Part II of the Speedy Trial Plan for this District, and Local Criminal Rule 12.01(b) and 16.01(a).

I respectfully submit this petition to enter a Plea of Not Guilty in my absence.

Christopher Smith — 9/29/09
Defendant — Date

John Rodgers — 9-29-09
Attorney for Defendant — Date

A plea of "Not Guilty" is entered for this Defendant effective September 29, 2009. For the purpose of Local Criminal Rule 12.01(b) and 16.01(a), this date shall be the date of arraignment of Defendant.

[signature]
United States Magistrate Judge